

S. B. No. 56

As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "To" insert "amend section 4973.17 and  
to" 1 2

In line 4 of the title, after "improvements" insert "and to provide  
a municipal corporation or county immunity from liability in any action  
arising from a hospital police officer acting in the discharge of duties  
in specified locations" 3 4 5 6

In line 5, after "That" insert "section 4973.17 be amended and" 7

After line 99, insert: 8

"Sec. 4973.17. (A) (1) Upon the application of any bank;  
savings and loan association; savings bank; credit union; or  
association of banks, savings and loan associations, savings  
banks, or credit unions in this state, the secretary of state  
may appoint and commission any persons that the bank; savings  
and loan association; savings bank; credit union; or association  
of banks, savings and loan associations, savings banks, or  
credit unions designates, or as many of those persons as the  
secretary of state considers proper, to act as police officers 9 10 11 12 13 14 15 16 17

for and on the premises of that bank; savings and loan 18  
association; savings bank; credit union; or association of 19  
banks, savings and loan associations, savings banks, or credit 20  
unions; or elsewhere, when directly in the discharge of their 21  
duties. Police officers so appointed shall be citizens of this 22  
state and of good character. Police officers so appointed who 23  
start to perform their duties on or after April 14, 2006, shall 24  
successfully complete a training program approved by the Ohio 25  
peace officer training commission described in section 109.71 of 26  
the Revised Code and be certified by the commission within six 27  
months after starting to perform their duties. Police officers 28  
so appointed shall hold office for three years, unless, for good 29  
cause shown, their commission is revoked by the secretary of 30  
state, or by the bank; savings and loan association; savings 31  
bank; credit union; or association of banks, savings and loan 32  
associations, savings banks, or credit unions, as provided by 33  
law. 34

(2) Persons commissioned as police officers pursuant to 35  
division (A) of this section prior to April 14, 2006, who have 36  
not successfully completed a training program approved by the 37  
Ohio peace officer training commission, and who have not been 38  
certified by the commission, may be reappointed and re- 39  
commissioned by the secretary of state only during the person's 40  
continuous employment as a police officer by the institution for 41  
which the person was employed on April 14, 2006, or by a 42  
successor institution to the institution for which the person 43  
was employed on April 14, 2006. The secretary of state shall 44  
note on such appointments and commissions that the person is not 45  
a peace officer as defined in section 109.71 of the Revised 46  
Code. 47

(3) For the exclusive purpose of assigning break in 48

service update training as prescribed in rule 109:2-1-12 (D) of 49  
the Administrative Code, a police officer appointed under 50  
division (A) of this section, who began performing police 51  
officer duties on or before April 14, 2006, shall be credited as 52  
holding a valid peace officer appointment retroactive to the 53  
date on which the officer began performing these duties. 54

(B) Upon the application of a company owning or using a 55  
railroad in this state and subject to section 4973.171 of the 56  
Revised Code, the secretary of state may appoint and commission 57  
any persons that the railroad company designates, or as many of 58  
those persons as the secretary of state considers proper, to act 59  
as police officers for and on the premises of the railroad 60  
company, its affiliates or subsidiaries, or elsewhere, when 61  
directly in the discharge of their duties. Police officers so 62  
appointed, within the time set by the Ohio peace officer 63  
training commission, shall successfully complete a commission 64  
approved training program and be certified by the commission. 65  
They shall hold office for three years, unless, for good cause 66  
shown, their commission is revoked by the secretary of state, or 67  
railroad company, as provided by law. 68

Any person holding a similar commission in another state 69  
may be commissioned and may hold office in this state without 70  
completing the approved training program required by this 71  
division provided that the person has completed a substantially 72  
equivalent training program in the other state. The Ohio peace 73  
officer training commission shall determine whether a training 74  
program in another state meets the requirements of this 75  
division. 76

(C) Upon the application of any company under contract 77  
with the United States atomic energy commission for the 78

construction or operation of a plant at a site owned by the 79  
commission, the secretary of state may appoint and commission 80  
persons the company designates, not to exceed one hundred fifty, 81  
to act as police officers for the company at the plant or site 82  
owned by the commission. Police officers so appointed shall be 83  
citizens of this state and of good character. They shall hold 84  
office for three years, unless, for good cause shown, their 85  
commission is revoked by the secretary of state or by the 86  
company, as provided by law. 87

(D) (1) Upon the application of any hospital that is 88  
operated by a public hospital agency or a nonprofit hospital 89  
agency and that employs and maintains its own proprietary police 90  
department or security department and subject to section 91  
4973.171 of the Revised Code, the secretary of state may appoint 92  
and commission any persons that the hospital designates, or as 93  
many of those persons as the secretary of state considers 94  
proper, to act as police officers for the hospital. No person 95  
who is appointed as a police officer under this division shall 96  
engage in any duties or activities as a police officer for the 97  
hospital or any affiliate or subsidiary of the hospital unless 98  
all of the following apply: 99

(a) The chief of police of the municipal corporation in 100  
which the hospital is located or, if the hospital is located in 101  
the unincorporated area of a county, the sheriff of that county 102  
has granted approval to the hospital to permit persons appointed 103  
as police officers under this division to engage in those duties 104  
and activities. The approval required by this division is 105  
general in nature and is intended to cover in the aggregate all 106  
persons appointed as police officers for the hospital under this 107  
division; a separate approval is not required for each appointee 108  
on an individual basis. 109

(b) Subsequent to the grant of approval described in 110  
division (D) (1) (a) of this section, the hospital has entered 111  
into a written agreement with the chief of police of the 112  
municipal corporation in which the hospital is located or, if 113  
the hospital is located in the unincorporated area of a county, 114  
with the sheriff of that county, that sets forth the standards 115  
and criteria to govern the interaction and cooperation between 116  
persons appointed as police officers for the hospital under this 117  
division and law enforcement officers serving the agency 118  
represented by the chief of police or sheriff who signed the 119  
agreement in areas of their concurrent jurisdiction. The written 120  
agreement shall be signed by the appointing authority of the 121  
hospital and by the chief of police or sheriff. The standards 122  
and criteria may include, but are not limited to, provisions 123  
governing the reporting of offenses discovered by hospital 124  
police officers to the agency represented by the chief of police 125  
or sheriff, provisions governing investigatory responsibilities 126  
relative to offenses committed on hospital property, and 127  
provisions governing the processing and confinement of persons 128  
arrested for offenses committed on hospital property. The 129  
agreement required by this division is intended to apply in the 130  
aggregate to all persons appointed as police officers for the 131  
hospital under this division; a separate agreement is not 132  
required for each appointee on an individual basis. 133

(c) The person has successfully completed a training 134  
program approved by the Ohio peace officer training commission 135  
and has been certified by the commission. A person appointed as 136  
a police officer under this division may attend a training 137  
program approved by the commission and be certified by the 138  
commission regardless of whether the appropriate chief of police 139  
or sheriff has granted the approval described in division (D) (1) 140

(a) of this section and regardless of whether the hospital has 141  
entered into the written agreement described in division (D)(1) 142  
(b) of this section with the appropriate chief of police or 143  
sheriff. 144

(2) (a) A person who is appointed as a police officer under 145  
division (D)(1) of this section is entitled, upon the grant of 146  
approval described in division (D)(1)(a) of this section and 147  
upon the person's and the hospital's compliance with the 148  
requirements of divisions (D)(1)(b) and (c) of this section, to 149  
act as a police officer for the hospital on the premises of the 150  
hospital and of its affiliates and subsidiaries that are within 151  
the territory of the municipal corporation served by the chief 152  
of police or the unincorporated area of the county served by the 153  
sheriff who signed the written agreement described in division 154  
(D)(1)(b) of this section, whichever is applicable, and anywhere 155  
else within the territory of that municipal corporation or 156  
within the unincorporated area of that county. The authority to 157  
act as a police officer as described in this division is granted 158  
only if the person, when engaging in that activity, is directly 159  
in the discharge of the person's duties as a police officer for 160  
the hospital. The authority to act as a police officer as 161  
described in this division shall be exercised in accordance with 162  
the standards and criteria set forth in the written agreement 163  
described in division (D)(1)(b) of this section. 164

(b) Additionally, a person appointed as a police officer 165  
under division (D)(1) of this section is entitled, upon the 166  
grant of approval described in division (D)(1)(a) of this 167  
section and upon the person's and the hospital's compliance with 168  
the requirements of divisions (D)(1)(b) and (c) of this section, 169  
to act as a police officer elsewhere, within the territory of a 170  
municipal corporation or within the unincorporated area of a 171

county, if the chief of police of that municipal corporation or 172  
the sheriff of that county, respectively, has granted approval 173  
for that activity to the hospital, police department, or 174  
security department served by the person as a police officer and 175  
if the person, when engaging in that activity, is directly in 176  
the discharge of the person's duties as a police officer for the 177  
hospital. The approval described in this division may be general 178  
in nature or may be limited in scope, duration, or 179  
applicability, as determined by the chief of police or sheriff 180  
granting the approval. 181

(3) Police officers appointed under division (D) (1) of 182  
this section shall hold office for three years, unless, for good 183  
cause shown, their commission is revoked by the secretary of 184  
state or by the hospital, as provided by law. 185

(4) Notwithstanding section 2744.02 of the Revised Code, 186  
the municipal corporation in which the hospital is located or, 187  
if the hospital is located in the unincorporated area of a 188  
county, the county is immune from civil or criminal liability in 189  
any action brought under the laws of this state if all of the 190  
following apply: 191

(a) The action arises out of the actions of a police 192  
officer appointed under division (D) (1) of this section. 193

(b) The actions of the police officer are directly in the 194  
discharge of the person's duties as a police officer for the 195  
hospital. 196

(c) The actions of the police officer occur on the 197  
premises of the hospital or its affiliates or subsidiaries that 198  
are within the territory of the municipal corporation served by 199  
the chief of police or the unincorporated area of the county 200

served by the sheriff who signed the agreement described in 201  
division (D) (1) (b) of this section, whichever is applicable, or 202  
anywhere else within the territory of that municipal corporation 203  
or within the unincorporated area of that county. 204

(5) A court's finding of tort liability of any public 205  
hospital agency or nonprofit hospital agency for any actions of 206  
a police officer appointed for the applicable hospital agency 207  
under division (D) (1) of this section is not subject to 208  
apportionment of tort liability under sections 2307.22 and 209  
2307.23 of the Revised Code with the municipal corporation or 210  
the county in which a written agreement as described in division 211  
(D) (1) (b) of this section is in effect. 212

(6) Nothing in division (D) (4) of this section shall be 213  
construed as granting immunity from civil or criminal liability 214  
for any actions occurring on the premises of any hospital 215  
operated by a public hospital agency or nonprofit hospital 216  
agency or on the premises of that hospital's affiliate or 217  
subsidiary to any of the following: 218

(a) Any police officer appointed under division (D) (1) of 219  
this section; 220

(b) Any hospital operated by a public hospital agency or a 221  
nonprofit hospital agency that applied for the appointment of 222  
any police officer under division (D) (1) of this section, or any 223  
affiliate or subsidiary of the hospital; 224

(c) Any other police or security officer who is employed 225  
by, or whose services are utilized by, any hospital operated by 226  
a public hospital agency or a nonprofit hospital agency, or any 227  
affiliate or subsidiary of the hospital; 228

(d) Any entity that supplies the services of police or 229



security officers to any hospital operated by a public hospital 230  
agency or a nonprofit hospital agency or any affiliate or 231  
subsidiary of the hospital. 232

(7) As used in ~~divisions~~ division (D) (1) to (3) (D) of this 233  
section, "public: 234

(a) "Public hospital agency" and "nonprofit hospital 235  
agency" have the same meanings as in section 140.01 of the 236  
Revised Code. 237

(b) "Tort liability" means the liability of a party as 238  
determined by a court in a tort action as defined in section 239  
2307.011 of the Revised Code. 240

(E) (1) Upon the application of any owner or operator of an 241  
amusement park that has an average yearly attendance in excess 242  
of six hundred thousand guests and that employs and maintains 243  
its own proprietary police department or security department and 244  
subject to section 4973.171 of the Revised Code, any judge of 245  
the municipal court or county court that has territorial 246  
jurisdiction over the amusement park may appoint and commission 247  
any persons that the owner or operator designates, or as many of 248  
those persons as the judge considers proper, to act as police 249  
officers for the amusement park. If the amusement park is 250  
located in more than one county, any judge of the municipal 251  
court or county court of any of those counties may make the 252  
appointments and commissions as described in this division. No 253  
person who is appointed as a police officer under this division 254  
shall engage in any duties or activities as a police officer for 255  
the amusement park or any affiliate or subsidiary of the owner 256  
or operator of the amusement park unless all of the following 257  
apply: 258

(a) The appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this division have granted approval to the owner or operator of the amusement park to permit persons appointed as police officers under this division to engage in those duties and activities. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate chief of police for the grant of approval under this division. If the amusement park is located in two or more townships, two or more municipal corporations, or one or more townships and one or more municipal corporations, the chiefs of police of all of the affected townships and municipal corporations are the appropriate chiefs of police for the grant of approval under this division, and the approval must be jointly granted by all of those chiefs of police. The approval required by this division is general in nature and is intended to cover in the aggregate all persons appointed as police officers for the amusement park under this division. A separate approval is not required for each appointee on an individual basis.

(b) Subsequent to the grant of approval described in division (E) (1) (a) of this section, the owner or operator has entered into a written agreement with the appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this division and has provided the sheriff of the county in which the political subdivision or subdivisions are located with a copy of the agreement. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate

chief of police for entering into the written agreement under 290  
this division. If the amusement park is located in two or more 291  
townships, two or more municipal corporations, or one or more 292  
townships and one or more municipal corporations, the chiefs of 293  
police of all of the affected townships and municipal 294  
corporations are the appropriate chiefs of police for entering 295  
into the written agreement under this division, and the written 296  
agreement must be jointly entered into by all of those chiefs of 297  
police. The written agreement between the owner or operator and 298  
the chief or chiefs of police shall address the scope of 299  
activities, the duration of the agreement, and mutual aid 300  
arrangements and shall set forth the standards and criteria to 301  
govern the interaction and cooperation between persons appointed 302  
as police officers for the amusement park under this division 303  
and law enforcement officers serving the agency represented by 304  
the chief of police who signed the agreement. The written 305  
agreement shall be signed by the owner or operator and by the 306  
chief or chiefs of police who enter into it. The standards and 307  
criteria may include, but are not limited to, provisions 308  
governing the reporting of offenses discovered by the amusement 309  
park's police officers to the agency represented by the chief of 310  
police of the municipal corporation or township in which the 311  
offense occurred, provisions governing investigatory 312  
responsibilities relative to offenses committed on amusement 313  
park property, and provisions governing the processing and 314  
confinement of persons arrested for offenses committed on 315  
amusement park property. The agreement required by this division 316  
is intended to apply in the aggregate to all persons appointed 317  
as police officers for the amusement park under this division. A 318  
separate agreement is not required for each appointee on an 319  
individual basis. 320

(c) The person has successfully completed a training 321  
program approved by the Ohio peace officer training commission 322  
and has been certified by the commission. A person appointed as 323  
a police officer under this division may attend a training 324  
program approved by the commission and be certified by the 325  
commission regardless of whether the appropriate chief of police 326  
has granted the approval described in division (E) (1) (a) of this 327  
section and regardless of whether the owner or operator of the 328  
amusement park has entered into the written agreement described 329  
in division (E) (1) (b) of this section with the appropriate chief 330  
of police. 331

(2) (a) A person who is appointed as a police officer under 332  
division (E) (1) of this section is entitled, upon the grant of 333  
approval described in section (E) (1) (a) of this section and upon 334  
the person's and the owner or operator's compliance with the 335  
requirements of division (E) (1) (b) and (c) of this section, to 336  
act as a police officer for the amusement park and its 337  
affiliates and subsidiaries that are within the territory of the 338  
political subdivision or subdivisions served by the chief of 339  
police, or respective chiefs of police, who signed the written 340  
agreement described in division (E) (1) (b) of this section, and 341  
upon any contiguous real property of the amusement park that is 342  
covered by the written agreement, whether within or adjacent to 343  
the political subdivision or subdivisions. The authority to act 344  
as a police officer as described in this division is granted 345  
only if the person, when engaging in that activity, is directly 346  
in the discharge of the person's duties as a police officer for 347  
the amusement park. The authority to act as a police officer as 348  
described in this division shall be exercised in accordance with 349  
the standards and criteria set forth in the written agreement 350  
described in division (E) (1) (b) of this section. 351

(b) In addition to the authority granted under division 352  
(E) (2) (a) of this section, a person appointed as a police 353  
officer under division (E) (1) of this section is entitled, upon 354  
the grant of approval described in division (E) (1) (a) of this 355  
section and upon the person's and the owner or operator's 356  
compliance with the requirements of divisions (E) (1) (b) and (c) 357  
of this section, to act as a police officer elsewhere within the 358  
territory of a municipal corporation or township if the chief of 359  
police of that municipal corporation or township has granted 360  
approval for that activity to the owner or operator served by 361  
the person as a police officer and if the person, when engaging 362  
in that activity, is directly in the discharge of the person's 363  
duties as a police officer for the amusement park. The approval 364  
described in this division may be general in nature or may be 365  
limited in scope, duration, or applicability, as determined by 366  
the chief of police granting the approval. 367

(3) Police officers appointed under division (E) (1) of 368  
this section shall hold office for five years, unless, for good 369  
cause shown, their commission is revoked by the appointing judge 370  
or the judge's successor or by the owner or operator, as 371  
provided by law. 372

(F) A fee of fifteen dollars for each commission applied 373  
for under this section shall be paid at the time the application 374  
is made, and this amount shall be returned if for any reason a 375  
commission is not issued. 376

**Section 2.** That existing section 4973.17 of the Revised 377  
Code is hereby repealed." 378

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	379
<b>Immunity for acts of hospital police officers</b>	380
<b>R.C. 4973.17</b>	381
Grants a municipal corporation in which a hospital is	382
located or, if the hospital is located in an unincorporated area	383
of a county, a county immunity from civil or criminal liability	384
in an action if all of the following apply: (1) the action	385
arises out of the actions of a duly appointed hospital police	386
officer; (2) the actions of that officer are in the discharge of	387
the person's duties as a police officer for the hospital; and	388
(3) the actions of the hospital police officer occur on the	389
premises of the hospital or its affiliates or subsidiaries that	390
are within the municipal corporation or the unincorporated area	391
of the county or elsewhere within that municipal corporation or	392
the unincorporated area of that county.	393
Provides that the grant of immunity is not to be construed	394
as granting civil or criminal immunity to specified police	395
officers or hospitals under certain circumstances for actions	396
occurring on the premises of a hospital operated by a public	397
hospital agency or nonprofit hospital agency.	398
Specifies that a court's finding of tort liability of a	399
public hospital agency or nonprofit hospital agency for any	400
actions of a police officer appointed for the applicable	401
hospital agency is not subject to apportionment of liability	402
with the municipal corporation or the county in which a written	403
agreement is in effect.	404